

211 CMR 134.00: SAFE DRIVER INSURANCE PLAN

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134.01: Authority

211 CMR 134.00 is promulgated in accordance with the authority granted to the Commissioner of Insurance under M.G.L. c. 175, § 113B.

134.02: Purpose, Scope and Responsibility

(1) Purpose and Scope. 211 CMR 134.00 incorporates and merges the provisions of 1990 through 1996 Safe Driver Insurance Plans, previously codified at: 211 CMR 125.00; 211 CMR 126.00; 211 CMR 127.00; 211 CMR 128.00; 211 CMR 130.00; 211 CMR 132.00; 211 CMR 134.00. 211 CMR 134.00, is hereinafter referred to as the Safe Driver Insurance Plan and is promulgated to implement the Safe Driver Insurance Plan required by M.G.L. c. 175, § 113B. The Safe Driver Insurance Plan shall be used by all Insurers; it shall apply to all policies effective on January 1, 1990 and subsequent. Provisions of the Safe Driver Insurance Plans that apply in particular ways to certain years only are specified.

(2) Responsibilities of the Merit Rating Board. The Merit Rating Board is the only authorized source of and shall bear sole responsibility for the reporting of SDIP Information in response to requests for SDIP Information.

134.03: Definitions

As used in 211 CMR 134.00, the following words shall mean:

At Fault Accident. An accident involving a vehicle subject to the Safe Driver Insurance Plan wherein the Involved Operator was more than 50% at fault, as determined by the application of the Standards of Fault of the Board of Appeal.

Board of Appeal. The Board of Appeal on Motor Vehicle Liability Policies and Bonds established pursuant to M.G.L. c. 26, § 8A.

Bodily Injury Liability Coverage. The insurance coverage designated as such in a Massachusetts automobile insurance policy.

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Collision Coverage. The insurance coverage designated as such in a Massachusetts automobile insurance policy.

Commissioner. The Commissioner of Insurance appointed pursuant to M.G.L. c. 26, § 6.

Comprehensive Coverage. The insurance coverage designated as such in a Massachusetts automobile insurance policy.

Coverage Selections Page. The coverage selections page of a Massachusetts automobile insurance policy, or a replacement coverage selections page.

Credit Code. The code representing the number of consecutive Incident-free Years within the Incident-free Period applicable to any operator as approved by the Commissioner in the Statistical Plan.

Credit Points. Except as otherwise provided by 211 CMR 134.00, one credit point is earned by a licensed operator for each Incident-free Year within the Policy Experience Period.

Designated Statistical Agent. The rating organization or other agency designated by the Commissioner as the statistical agent for the Division of Insurance pursuant to M.G.L. c. 175A, § 15(a).

Excellent Driver Discount. The percentage value assigned annually by the Commissioner at the time rates are set pursuant to M.G.L. c. 175, § 113B reflecting the lower expected loss experience of operators with Incident Free Periods of more than five and less than six years, which may vary according to the affected Liability Coverages and Collision Coverage irrespective of the class and territory of the policy.

Excellent Driver Discount Plus. The percentage value assigned annually by the Commissioner at the time rates are set pursuant to M.G.L. c. 175, § 113B reflecting the lower expected loss experience of operators with Incident Free Periods of at least six years, which may vary according to the affected Liability Coverages and Collision Coverage irrespective of the class and territory of the policy.

Experienced Operator. An operator licensed at least six years as defined in the Commissioner's Manual of Private Passenger Automobile Rates, including operators defined in that Manual rated for business use.

Incident-free Period. The number of consecutive Incident-free Years immediately preceding the Policy Effective Date and within the Policy Experience Period of the policy for which the licensed operator had no Surchargeable Incidents.

Incident-free Year. Any of the series of one-year periods immediately preceding the Policy Effective Date and within the Policy Experience Period of the policy for which the licensed operator had no Surchargeable Incidents.

Inexperienced Operator. An operator licensed less than six years as defined in the Commissioner's Manual of Private Passenger Automobile Rates.

Insurer. Any corporation, association, partnership, group or individual engaged as a principal authorized to write motor vehicle insurance in the Commonwealth.

Involved Operator. Any person determined to have been operating a vehicle subject to the Safe Driver Insurance Plan at the time of, and involved in, an accident subject to the Safe Driver Insurance Plan, or any person having a Traffic Law Violation subject to the Safe Driver Insurance Plan, as specified by 211 CMR 134.04.

Limited Collision Coverage. The insurance coverage designated as such in a Massachusetts automobile insurance policy.

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Listed Operator. The Policyholder and any person listed on the new or renewal application for the Policy covering one or more vehicles subject to the Safe Driver Insurance Plan.

Manual of Administrative Procedures for Policy Inquiries. The Manual of Administrative Procedures prepared by the Merit Rating Board in accordance with the procedures established in 211 CMR 134.18.

Manual of Administrative Procedures for SDIP Claims. The Manual of Administrative Procedures prepared by the Merit Rating Board in accordance with the procedures established in 211 CMR 134.18.

Merit Rating Board. The Motor Vehicle Insurance Merit Rating Board established pursuant to M.G.L. c. 6, § 183.

Neutral Step. Operator SDIP Step 15 (no credit or surcharge points).

Operator Information. The driver's license number, license state, name and date of birth as they appear on the driver's license of the Policyholder and of all Listed Operators on a Massachusetts automobile insurance policy.

Operator SDIP Step. The SDIP Step of a Listed Operator resulting from adjustments to the Neutral Step (Step 15) by the addition of Surcharge Points and the subtraction of Credit Points earned during the Policy Experience Period.

Operator Surcharge Factor. An Operator's Surcharge Factor is the factor applied to the otherwise applicable rate which reflects the number, type, and age of Surchargeable Incidents during the Policy Experience Period.

Personal Injury Protection. The insurance coverage designated as such in a Massachusetts automobile insurance policy.

Policy. For the policy year and each year thereafter, any motor vehicle liability policy as defined in M.G.L. c. 90, § 34A; including any Massachusetts automobile insurance policy or any Massachusetts motor vehicle policy written in accordance with the Massachusetts Private Passenger Automobile Insurance Manual. Policy shall also include a national standard policy written at rates determined in accordance with the Massachusetts Private Passenger Automobile Insurance Manual.

Policy Effective Date. The date on which the automobile insurance policy takes effect.

Policy Experience Period. The six-year period immediately preceding the effective date of the policy.

Policy Number. A unique number, up to 16 characters long, that does not change throughout the life of the policy.

Policyholder. The principal named insured(s) on a Policy.

Private Passenger Vehicle. Any vehicle rated by an Insurer in accordance with the Massachusetts Private Passenger Automobile Insurance Manual except motorized vehicles not normally driven on public ways.

Property Damage Liability Coverage. The insurance coverage designated as such in a Massachusetts automobile insurance policy, also known as "Damage to Someone Else's Property".

Safe Driver Insurance Plan. The adjustment of insurance rates and premiums for vehicles subject to the safe driver insurance plan (the plan) on the basis of At Fault Accidents, Comprehensive Claims and Traffic Law Violations pursuant to the provisions of M.G.L. c. 175, § 113B and applicable to policies effective on or after January 1, 1990.

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Safe Driver Insurance Plan (SDIP) Statement. For policies subject to the SDIP on and after January 1, 2006, the notification from an Insurer to a Policyholder with one or more vehicles with one or more Surchargeable Incidents within the most recent six years of the Policy Experience Period for Property Damage Liability, Mandatory Bodily Injury Liability, Personal Injury Protection, or Collision Coverage. For policies subject to the SDIP prior to January 1, 2006, the notification from an Insurer to a Policyholder with one or more vehicles not assigned the lowest Operator SDIP Step (best credit) for Property Damage Liability Mandatory Coverages or Collision Coverage.

SDIP Information. Information provided to an Insurer by the Merit Rating Board which is the basis upon which premium adjustments are made under the Safe Driver Insurance Plan, including but not necessarily limited to Surchargeable incidents (and the Surcharge Points applicable thereto), number of Incident Free Years or Credit Points and Driver's License status.

SDIP Step Values. For policies subject to the SDIP prior to January 1, 2006, the percentage values assigned by the Commissioner to SDIP Steps, which may vary according to the affected Liability Coverages and Collision Coverage irrespective of the class and territory of the policy.

Starting Step Date. For policies subject to the SDIP prior to January 1, 2006, the beginning date of the Policy Experience Period (six years), or a later date if the operator has less than six years of driving experience.

Statistical Plan. The Massachusetts automobile statistical plan promulgated annually by the Commissioner pursuant to the authority granted under M.G.L. c. 175A, § 15(a).

Surchargeable Incident. An At Fault Accident, Traffic Law Violation, or Comprehensive Claim, as defined in 211 CMR 134.00, which may result in an increase in the policyholder's premium.

Surcharge Date. The date of notice entered by an Insurer on the Surcharge Notice form required by 211 CMR 134.05, the date of payment on the Comprehensive Claim Notice form required by 211 CMR 134.06, the disposition date entered by a court on the citation for a Traffic Law Violation or the date the payment of the fine assessed for civil motor vehicle infractions is received by the Registry of Motor Vehicles.

Surcharge Notice. The notice of an At Fault Accident provided to the Involved Operator and/or the Policyholder.

Surcharge Percentage. The percentage value assigned annually by the Commissioner at the time rates are set pursuant to M.G.L. c. 175, § 113B to be applied to the total number of Surcharge Points for each Surchargeable Incident during the Policy Experience Period, which may vary according to the affected Liability Coverages and Collision Coverage irrespective of the class and territory of the policy.

Surcharge Points. The point values assigned by the Commissioner of Insurance for each Surchargeable Incident set forth in 211 CMR 134.15.

All other items in 211 CMR 134.00 shall be construed as defined in M.G.L. c. 90, §§ 34A and 34O, M.G.L. c. 175 and M.G.L. c. 175A, or, if not defined in these chapters, in accordance with common usage.

134.04: Vehicles, Policies, Accidents, and Traffic Law Violations Subject to the Safe Driver Insurance Plan

(1) Vehicles Subject to the Plan. Any Private Passenger Vehicle rated in accordance with the Massachusetts Private Passenger Automobile Insurance Manual shall be a vehicle subject to the Safe Driver Insurance Plan.

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(2) Policies Subject to the Plan. Any Policy meeting the definition given in 211 CMR 134.03 that provides the mandatory liability coverages (Property Damage Liability Coverage, Bodily Injury to Others Coverage, Personal Injury Protection Coverage) and/or Collision Coverage for one or more vehicles subject to the Safe Driver Insurance Plan shall be a Policy subject to the Safe Driver Insurance Plan.

(3) Accidents Subject to the Plan. Any accident shall be an accident subject to the Safe Driver Insurance Plan if it results in a Collision, Limited Collision, Property Damage Liability claim payment of more than \$500 in excess of any applicable deductible for damage to or caused by a vehicle subject to the Safe Driver Insurance Plan. In addition, for accidents occurring on or after January 1, 2006, an accident will also be subject to the plan if it results in a Bodily Injury Liability claim payment of more than \$500 in excess of any applicable deductible for damage to or caused by a vehicle subject to the Safe Driver Insurance Plan.

(4) Traffic Law Violations Subject to the Plan. Any conviction of an operator, including payments made or assessed pursuant to M.G.L. c. 90C, or any assignment of the operator to a driver alcohol education program or controlled substance abuse treatment or rehabilitation program, for a Traffic Law Violation as listed in Appendix A of 211 CMR 134.00, shall be subject to the Safe Driver Insurance Plan. The Plan shall also take into consideration certain Major and Minor Out-of-state Traffic Violations as specified in 211 CMR 134.00: *Appendix A* as well as convictions reported to the Registry of Motor Vehicles as the result of any compact entered into by the Secretary of Public Safety for the exchange of information between states.

(5) Comprehensive Claims Subject to the Plan. Any claim made under Comprehensive Coverage for which payment is made on or after that date shall be a Comprehensive claim subject to the Safe Driver Insurance Plan.

134.05: Notification of At Fault Accidents

(1) Claims Under Bodily Injury Liability Coverage – Single Vehicle Accidents. Notification of a Bodily Injury Liability claim is required only when such claim is not associated with any Property Damage Liability or Collision claim payment in connection with the same at-fault accident. Within 20 working days of the payment of any Bodily Injury Liability claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving only one vehicle where that vehicle was a vehicle subject to the Safe Driver Insurance Plan, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

(2) Claims Under Property Damage Liability Coverage - Single Vehicle Accidents. Within 20 working days of the payment of any Property Damage Liability claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving only one vehicle where that vehicle was a vehicle subject to the Safe Driver Insurance Plan, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

(3) Claims Under Collision Coverage - Single Vehicle Accidents. Within 20 working days of the payment of any Collision claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving only one vehicle, where that vehicle was a vehicle subject to the Safe Driver Insurance Plan, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report unless the claim resulted from damage to the vehicle caused by flying gravel, missiles or falling objects. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

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(4) Claims Under Bodily Injury Liability Coverage – Multiple Vehicle Accidents. Notification of a Bodily Injury Liability claim is required only when such claim is not associated with any Property Damage Liability or Collision claim payment in connection with the same at-fault accident. Within 20 working days of the payment of any Bodily Injury Liability claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle was a vehicle subject to the Safe Driver Insurance Plan, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. No such notification shall be sent by the Insurer if the sole reason for filing the claim is that a vehicle owned by the person filing the claim was being driven by some other person at the time that it was involved in the accident. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

(5) Claims Under Property Damage Liability Coverage - Multiple Vehicle Accidents. Within 20 working days of the payment of any Property Damage Liability claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle was a vehicle subject to the Safe Driver Insurance Plan, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. No such notification shall be sent by the Insurer if the sole reason for filing the claim is that a vehicle owned by the person filing the claim was being driven by some other person at the time that it was involved in the accident. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

(6) Claims Under Collision Coverage - Multiple Vehicle Accidents. Within 20 working days of the filing of any Collision claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle was a vehicle subject to the Safe Driver Insurance Plan, there shall be a conference of the Insurer with whom the claim has been filed and all Insurers of operators who were involved in the accident and who might be alleged to have been at fault, unless the Insurer with whom the claim has been filed has denied the claim or has determined that the operator of its insured vehicle is more than 50% at fault. A telephone conference among the Insurers shall satisfy the requirement that a conference be held. If no conference is held, the Insurer shall report the At Fault Accident to the Merit Rating Board in accordance with 211 CMR 134.05(3). Within 45 working days of any conference, the Insurers shall determine which operator, if any, was at fault in excess of 50%. If any Involved Operator is determined to have been at fault in excess of 50%, the Insurer of that Involved Operator shall report an At Fault Accident to the Merit Rating Board, and shall notify the Involved Operator of the report unless this Insurer has denied each Property Damage Liability or Collision claim resulting from the accident or closed each such claim resulting from the accident with a payment of less than the amounts specified in 211 CMR 134.04(3). If the Policyholder is a person other than the Involved Operator, the Insurer shall send to the Policyholder a copy of the notice within 60 working days of the date the claim was filed.

(7) Claims Under Limited Collision Coverage - Multiple Vehicle Accidents. Within 20 working days of the payment of any Limited Collision claim in excess of the amount specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle is a vehicle subject to the Safe Driver Insurance Plan, there shall be a conference of the Insurer with whom the claim has been filed and all Insurers of operators who were involved in the accident and who might be alleged to have been at fault. A telephone conference among the Insurers shall satisfy the requirement that a conference be held. Within 45 working days of any conference, the Insurers shall determine which operator, if any, was at fault in excess of 50%. If any Involved Operator is determined to have been at fault in excess of 50%, the Insurer of that Involved Operator shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report unless this Insurer has denied each Property Damage Liability or Collision claim resulting from the accident or closed each such claim with a payment of less than the amounts specified in 211 CMR 134.04(3). If the Policyholder is a person other than the Involved Operator, the Insurer shall send to the Policyholder a copy of the notice within 60 working days of the date the claim was filed.

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- (8) Disputed Claims. Notice required by 211 CMR 134.05(6) or (7) may be deferred up to one year from the date of the accident, if:
 - (a) the Insurer has determined after any conference required by 211 CMR 134.05(6) or (7) that the Involved Operator was not at fault in excess of 50%; and
 - (b) an inter-company arbitration petition has been filed or a civil action has been initiated following denial of a Property Damage Liability claim.
- (9) Form of Surcharge Notice. Any notice of an At Fault Accident to the Merit Rating Board shall be made using the Surcharge Notice form approved by the Commissioner. The notice shall include an Appeal Form that may be used by the Policyholder or the Involved Operator to appeal the At Fault Accident to the Board of Appeals pursuant to M.G.L. c. 175, § 113P. The notice shall be completed by the Insurer in the manner prescribed in the *Manual of Administrative Procedures for SDIP Claims*.
- (10) Failure to Submit. Failure to accurately complete and submit, within the specified time, the Surcharge Notice forms required by 211 CMR 134.05(1) through (7) to the Merit Rating Board may subject the Insurer to the penalty set forth in 211 CMR 134.19.
- (11) Correction of Surcharge Notices. Failure to correct and return a Surcharge Notice found to be in error in the manner specified in the *Manual of Administrative Procedures for SDIP Claims* may subject the Insurer to the penalty set forth in 211 CMR 134.19.

134.06: Notification of a Claim Under Comprehensive Coverage

- (1) Claims Under Comprehensive Coverage. Within 30 working days of the payment of any Comprehensive claim under Comprehensive Coverage for a vehicle subject to the Safe Driver Insurance Plan, the Insurer shall notify the Merit Rating Board in the manner specified in the *Manual of Administrative Procedures for SDIP Claims*.
- (2) Form of Notice to the Merit Rating Board. The Merit Rating Board shall specify in the *Manual of Administrative Procedures SDIP Claims* the form of the Comprehensive Claim Notice, the manner of completing said notice and the timing of the submission of said notice.
- (3) Failure to Submit. Failure to accurately complete and submit, within the specified time, the Comprehensive Claim Notice required by 211 CMR 134.06(2) to the Merit Rating Board may subject the Insurer to the penalty set forth in 211 CMR 134.19.
- (4) Correction of Claim Notices. Failure to correct and return a Comprehensive Claim Notice found to be in error in the manner specified in the *Manual of Administrative Procedures for SDIP Claims* may subject the Insurer to the penalty set forth in 211 CMR 134.19.

134.07: Notice Following Traffic Law Violations

- (1) No Notice by Insurer or Merit Rating Board. Citation for any Traffic Law Violation subject to the Safe Driver Insurance Plan shall serve as sufficient notice to the Involved Operator that premium adjustments may be applied. There shall be no right of appeal to the Board of Appeal pursuant to M.G.L. c. 175, § 113P.
- (2) Notice on Citation. The Merit Rating Board shall take reasonable steps to ensure that each citation issued for a Traffic Law Violation informs the Involved Operator that election of any of the alternatives afforded by M.G.L. c. 90C may result in an adjustment of premium.

134.08: Operator Information

- (1) Collection of Operator Information. Prior to the issuance of any new or renewal Policy subject to the Safe Driver Insurance Plan, an Insurer shall obtain, from the Policyholder, Operator Information for the Policyholder and for any Listed Operator covered by the Policy. Requests for Operator Information shall be in a manner and on a form prescribed by the Commissioner. Each Insurer shall require its Policyholders to indicate whether a Listed Operator is also the Policyholder of or listed as an operator on any other Policy subject to the Safe Driver Insurance Plan.

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(2) Correction of Operator Information. Following the rejection by the Merit Rating Board of a request for SDIP Information because of incorrect Operator Information, the Insurer must correct the Operator Information in the manner specified in the Manuals of Administrative Procedures.

(3) Penalties. Failure to collect or correct Operator Information in accordance with 211 CMR 134.08(1) and (2) and applicable portions of the Manuals of Administrative Procedures may subject the Insurer to the penalty set forth in 211 CMR 134.19.

134.09: Acquisition of Surcharge Information

(1) Initial Inquiries.

(a) New Policies. Insurers shall obtain SDIP Information for a new Policy subject to the Safe Driver Insurance Plan from the Merit Rating Board no earlier than 45 days before the first day of the month of the effective date of the Policy and no later than 15 days after the date the Policy is issued. The inquiry shall be made in the manner prescribed in the *Manual of Administrative Procedures for Policy Inquiries*.

(b) Renewal Policies. Insurers shall obtain SDIP Information for a renewal Policy subject to the Safe Driver Insurance Plan from the Merit Rating Board no earlier than 75 days before the first day of the month of the effective date of the Policy and prior to issuing the Policy. The inquiry shall be made in the manner prescribed in the *Manual of Administrative Procedures for Policy Inquiries*.

(2) Inquiries for New Operators. In the event a Policy subject to the Safe Driver Insurance Plan is endorsed to add an operator as a Listed Operator during the first 245 days of the policy term, the Insurer shall obtain SDIP Information for the operator that is being added from the Merit Rating Board in the manner prescribed in the *Manual of Administrative Procedures for Policy Inquiries*.

(3) Inquiries for "Add Property Damage Liability Coverage". Insurers shall obtain SDIP Information for a Policy subject to the Safe Driver Insurance Plan when Property Damage Liability coverage is added to a policy that previously had no Property Damage Liability coverage, no earlier than 45 days before the first day of the month of the endorsement date and no later than 15 days after the endorsement effective date. The inquiry shall be made in the manner prescribed in the *Manual of Administrative Procedures for Policy Inquiries*.

(4) Inquiries for "Add Collision Coverage". Insurers shall obtain SDIP Information for a Policy subject to the Safe Driver Insurance Plan when Collision coverage is added to the policy that previously had no Collision coverage, no earlier than 45 days before the first day of the month of the endorsement date and no later than 15 days after the endorsement effective date. The inquiry shall be made in the manner prescribed in the *Manual of Administrative Procedures for Policy Inquiries*.

(5) Reinquiries. Following the receipt of a Notice to Reinquire from the Merit Rating Board, an Insurer must submit a request for SDIP Information to the Merit Rating Board for the Policyholder and for each Listed Operator in the manner prescribed in the *Manual of Administrative Procedures for Policy Inquiries*.

(6) Policy Numbers. Insurers must assign policy numbers unique to each policy being issued within a particular policy year. This number must be consistently reported and/or used on the Coverage Selections Page, inquiries to the Merit Rating Board, Surcharge Notices, Comprehensive Claim Notices, Premium and Loss Statistical Records and any other document calling for identification utilizing a policy number. Upon written request by an Insurer, the Commissioner may grant a one-year waiver of the requirements of 211 CMR 134.09(6) if the Insurer demonstrates that compliance would result in undue hardship.

134.10: Posting of Surchargeable Incidents

(1) Responsibilities of the Merit Rating Board. The Merit Rating Board is the only authorized source of and shall bear sole responsibility for the reporting of SDIP Information in response to requests for SDIP Information.

(2) Posting of At Fault Accidents. Upon receipt of a Surcharge Notice sent by an Insurer in accordance with 211 CMR 134.05 the Merit Rating Board shall post a Surchargeable Incident for the At Fault Accident to the account of the Involved Operator.

(3) Posting of Traffic Law Violations. Upon receipt of a citation for a Traffic Law Violation which is listed on the schedule of violations specified in 211 CMR 134.00 *Appendix A*, and for which payment has been made pursuant to M.G.L. c. 90C or for which payment is legally in default or for which the court has either found the Involved Operator guilty or responsible or has assigned the operator to an alcohol education program or controlled substance abuse treatment or rehabilitation program, the Merit Rating Board shall post a Surchargeable Incident for the Traffic Law Violation to the account of the Involved Operator unless the violation was deemed to be an owner violation, in which case the Merit Rating Board shall post the Surchargeable Incident to the account of the owner of the vehicle.

(4) Determination of the Surchargeable Incident Type. When posting a Surchargeable Incident to the account of an Involved Operator or a Policyholder, the Merit Rating Board shall assign it a type and a point value in accordance with 211 CMR 135.15. There shall be five types of Surchargeable Incidents.

(a) Major Accident. An At Fault Accident wherein the claim payment, exclusive of any deductible, exceeds \$2,000 under either:

1. Property Damage Liability Coverage;
2. Collision Coverage;
3. Limited Collision Coverage; or
4. for accidents occurring on or after January 1, 2006, Bodily Injury Liability Coverage.

(b) Minor Accident. An At Fault Accident wherein the claim payment, exclusive of any deductible, exceeds \$500 but is no more than \$2,000 under either:

1. Property Damage Liability Coverage;
2. Collision Coverage;
3. Limited Collision Coverage; or
4. for accidents occurring on or after January 1, 2006, Bodily Injury Liability Coverage.

(c) Major Traffic Law Violation. Those Traffic Law Violations so specified by the Commissioner for use in the Safe Driver Insurance Plan and so noted in 211 CMR 134.00: *Appendix A*.

(d) Minor Traffic Law Violation. Those Traffic Law Violations so specified by the Commissioner for use in the Safe Driver Insurance Plan and so noted in 211 CMR 134.00: *Appendix A*.

(e) Comprehensive Claims. Any claim payment made under Comprehensive Coverage excluding claims for damages caused by an act of God.

(5) Posting of Comprehensive Claims. On receipt of a Comprehensive Claim Notice from an Insurer in accordance with 211 CMR 134.06, the Merit Rating Board shall post a Surchargeable Incident for the Comprehensive claim to the account of the Policyholder. In the case where two individuals are listed as the policyholders and joint owners of the insured vehicle(s), the first person listed on the policy shall be considered to be the Policyholder for the purpose of 211 CMR 134.10(5).

(6) Multiple Surcharged Incidents. If an Involved Operator or Policyholder has two or more Surchargeable Incidents on file at the Board, all of which arose from the same incident, the Merit Rating Board shall assign Surcharge Points to the Surchargeable Incident with the greatest number of Surcharge Points as specified in 211 CMR 134.11 and 134.12 and shall assign zero Surcharge Points to the remaining Surchargeable Incidents.

134.11: Computation of Operator SDIP Surcharges and Credit(1) Information Used for Computation.

(a) For policies subject to the SDIP on or after January 1, 2006: In response to a request from an Insurer for SDIP Information for a Policy subject to the Safe Driver Insurance Plan, the Insurer shall use the total number of Operator SDIP Surcharge Points or Credit Code for each listed Operator as reported by the Merit Rating Board to calculate the applicable Surcharge Factor or Credit Factor in accordance with 211 CMR 134.11(2). The Insurer shall use the resulting factor to adjust the Policyholder's premium accordingly.

(b) For policies subject to the SDIP prior to January 1, 2006. In response to a request from an Insurer for SDIP Information for a Policy subject to the Safe Driver Insurance Plan, the Merit Rating Board shall compute and report to the Insurer the Operator SDIP Step for each Listed Operator. The Insurer shall adjust the premium to the Policyholder by using the Operator SDIP Step for each Listed Operator as reported by the Merit Rating Board.

(2) Operator SDIP Surcharge or Credit Factor. For policies subject to the SDIP on or after January 1, 2006. Each Listed Operator shall be assigned an Operator SDIP Surcharge Factor or Credit Factor based on the operator's driving history record. The Surcharge Factor is equal to one plus the product of the total number of SDIP Surcharge Points, calculated pursuant to 211 CMR 134.11(3)(a), and the Surcharge Percentage. The Credit Factor is equal to one minus either the Excellent Driver Discount or the Excellent Driver Discount Plus, as applicable.

(3) Operator SDIP Step. For policies subject to the SDIP prior to January 1, 2006: Each Listed Operator is assigned an Operator SDIP Step based on the operator's driving history record. Each operator starts with an Operator SDIP Step value of 15 (the Neutral Step). Surcharge Points for Surchargeable Incidents in the Policy Experience Period are added to the starting step value; and then Credit Points earned by the Operator are subtracted.

(4) Calculation of Total Operator SDIP Points.

(a) For policies subject to the SDIP on or after January 1, 2006:

1. When the Incident Free Period is less than or equal to three, the total number of Surcharge Points applicable to the operator shall be the sum of the Surcharge Points identified for each Surchargeable Incident in the Policy Experience Period.
2. When the Incident Free Period is greater than three, and the total number of Surchargeable Incidents in the most recent five years of the Policy Experience Period is three or less, the Surcharge Points applicable to each incident shall be reduced by one and the total number of Surcharge Points applicable to the operator shall be the sum of those reduced surcharge points. In no event shall the Surcharge Points for any single incident be reduced below zero.

(b) For policies subject to the SDIP prior to January 1, 2006: Only Surchargeable Incidents that are within the Policy Experience Period shall be used in calculating Surcharge Points, however, Surcharge Points for Surchargeable Incidents in the sixth year of the Policy Experience Period shall be set at zero. The Merit Rating Board shall use the Surcharge Date of an incident to determine which Surchargeable Incidents are within the Policy Experience Period. The Surcharge Points assigned for each Major Accident, each Minor Accident; each Minor Traffic Law Violation and each Major Traffic Law Violation are set forth in 211 CMR 134.15.

(5) Credit for Incident-free Years.

(a) For policies subject to the SDIP on or after January 1, 2006:

1. When the Incident Free Period is at least five, but less than six years, a unique Credit Code shall be assigned to the operator.
2. When the Incident Free Period is at least six years, a unique Credit Code shall be assigned to the operator.
3. For operators with at least five full years of driving experience, when the Incident Free Period is greater than three, and the only Surchargeable Incident within the Policy Experience Period is a Minor Violation, the disposition of which was non-criminal under M.G.L. c. 90C, the Credit Code assigned to the operator shall be the same as that assigned to operators in 211 CMR 134.11(4)(a).

134.11: continued

(b) For policies subject to the SDIP prior to January 1, 2006: Based on each Listed Operator's Starting Step Date, one Credit Point is earned by a licensed operator for each Incident-free Year within the Policy Experience Period. An Incident-free Year is any of the series of one-year periods immediately preceding the Policy Effective Date and within the Policy Experience Period of the policy for which the operator had no Surchargeable Incidents.

(c) For policies effective in 2005, Experienced Operators with exactly one Surchargeable Incident during the Policy Experience Period resulting in an Operator SDIP Step of 10, 11, 12, 13, 14, or 15, shall receive an additional Credit Point if the Surcharge Date is more than three years prior to the 2005 Policy Effective Date.

(6) Operator SDIP Ranges.

(a) For policies subject to the SDIP on or after January 1, 2006: The total number of SDIP Points range from 0 to 45. The maximum number of SDIP Points is 45.

(b) For policies subject to the SDIP prior to January 1, 2006: The Operator SDIP Step ranges from 9 to 35. The lowest Operator SDIP Step 9 (best credit); the highest Operator SDIP Step is 35.

(7) Policy Experience Period.

(a) For policies subject to the SDIP prior to January 1, 2005: A Surchargeable Incident in the sixth year of the Policy Experience Period (as determined by the Surcharge Date) will not be assigned Surcharge Points. A Surchargeable Incident in the sixth year will prevent an operator from earning an Incident-free Year.

(b) For policies subject to the SDIP between January 1, 2005 and December 31, 2005: A Surchargeable Incident in the sixth year of the Policy Experience Period (as determined by the Surcharge Date) will not be assigned Surcharge Points. Incidents in the sixth year will not prevent an Experienced Operator from earning an incident-free year if the most recent consecutive five-year period (as determined by the Surcharge Date) preceding the effective date of the policy is incident free.

(8) Clean Slate Rule. For policies subject to the SDIP Prior to January 1, 2005: An operator is assigned Credit Points to reduce the operator's SDIP Step to 14 if all of the following conditions are met:

(a) the Operator has a three-year period of incident-free driving within the Policy Experience Period;

(b) the three-year period occurs before December 31, 2004; and

(c) the operator's step at the end of the incident-free period is greater than 14.

Points for Surchargeable Incidents within the Policy Experience Period which have Surcharge Dates that are recorded after this three-year incident-free period are added to Operator SDIP Step 14.

(9) Incarcerated Operators. Notwithstanding any other provision of 211 CMR 134.00, for policies effective January 1, 1998 and thereafter, operator credits and surcharges shall be determined in accordance with the provisions of St. 1997, c. 43, § 130.

134.12: Application of SDIP

(1) Policy Issuance. No policy subject to the Safe Driver Insurance Plan shall be issued without SDIP Information except as approved by the Commissioner and as specified in the *Manual of Administrative Procedures for Policy Inquiries*.

(2) Coverage Selections Page. Each Insurer shall assure that the first Coverage Selections Page sent to a Policyholder shows the total premium, correctly adjusted for the Operator SDIP Credit Factor, Surcharge Factor or Step, as applicable, unless an explicit provision of the *Manual of Administrative Procedures for Policy Inquiries* allows, or the Insurer has requested, and has received from the Commissioner, in writing, a waiver that allows the Insurer to display the total premium adjustment amount for the Policy either on a replacement Coverage Selections Page or on an invoice for the Policy, in lieu of displaying it on the initial Coverage Selections Page, as required by 211 CMR 134.12(2).

134.12: continued

(3) Safe Driver Insurance Plan (SDIP) Statement. Each Insurer shall assure that each Policyholder not eligible for the best credit available, either the Excellent Driver Discount Plus or Operator SDIP Step 9 Credit, as applicable, receives an itemization on a form approved by the Commissioner of the total number of Operator SDIP surcharge points or Operator SDIP Step, respectively, assigned to each listed operator. The SDIP Statement and the method of mailing shall conform to the requirements specified in the *Manual of Administrative Procedures for Policy Inquiries*.

(4) Policy Application.

(a) For policies subject to the SDIP on or after January 1, 2006: The process for assigning operators to vehicles shall be consistent with the rules prescribed in the approved rating manual from which the rate is generated.

(b) For policies subject to the SDIP prior to January 1, 2006: The Operator SDIP Step will be applied on a per vehicle basis. Operators will be assigned to vehicles using the ratio that one operator-year of exposure equals one vehicle-year of exposure. The Operator SDIP step for each operator will be calculated by adding to the Neutral Step (step 15) the number of points assigned to each Surchargeable Incident classification within the Policy Experience Period and then subtracting on credit point for each Incident-free Year.

1. For policies effective in 2005 and prior, Single Vehicle Policies: The premium adjustment shall be computed by assigning the listed operator with the highest Operator SDIP Step to the vehicle producing the highest combined premium for Parts 1, 2, 4, and 7, and shall not reflect the Operator SDIP Step of any other listed operator. In cases where separate policies are issued by the same insurer to the common owner of two or more vehicles, the listed operator with the highest Operator SDIP Step is assigned to the vehicle producing the highest combined premium.

2. For policies effective in 2005 and prior, Multi-Vehicle Policies: The premium adjustment shall be computed by assigning the listed operator with the highest Operator SDIP Step to the vehicle producing the highest combined premium for Parts 1, 2, 4, and 7.

For each subsequent vehicle, the premium adjustment shall be computed by assigning the listed operator with the next highest step to the vehicle producing the next highest combined premium for Parts 1, 2, 4, and 7 until all vehicles are exhausted. If the number of vehicles exceeds the number of listed operators, such excess vehicles shall be assigned to the step of the operator with the lowest step unless such operator's step is above Operator SDIP Step 15. In such case, the excess vehicles shall be assigned to Operator SDIP Step 15. 211 CMR 134.12(5)(b) also applies in cases where separate policies are issued by the same Insurer to the common owner of two or more vehicles.

3. For policies effective in 2005 and prior, Multi-Vehicle Billings: An individual's Operator SDIP Step, if greater than 15, may not be applied on more than one policy in effect at the same time by either the same or different Insurers.

(5) Refunds.

(a) For policies subject to the SDIP on or after January 1, 2006: Whenever the number of SDIP Points is decreased by reason of a reversal by the Superior Court or the Board of Appeal of an incident previously reported and billed, Insurers shall re-rate policies.

(b) For policies subject to the SDIP prior to January 1, 2006: Whenever the Operator SDIP Step is decreased by reason of a reversal by the Superior Court or the Board of Appeal of an incident previously reported and billed, Insurers shall re-rate policies.

(6) Affirmative Duty. All Insurers or their agents have an affirmative duty to correctly apply the Operator SDIP Surcharge Factor or Credit Factor or Step, as applicable, for each Listed Operator.

(7) Penalties. Failure to correctly apply the Operator SDIP Surcharge or Credit Factor or Step for each Listed Operator may subject the Insurer to penalty set forth in 211 CMR 134.19.

134.13: Earned Premium Not Paid

- (1) Policies Canceled. In the event of the cancellation of a Policy subject to the Safe Driver Insurance Plan for which the Insurer has billed but failed to collect monies from the Policyholder equal to the earned premium, the Insurer may report the earned but unpaid premium amount to the Merit Rating Board as provided in the Manuals of Administrative Procedures within 120 days of cancellation. The Merit Rating Board may reject any submission later than 120 days from the cancellation date.
- (2) Posting of Unpaid Premium. Upon notification of unpaid earned premium from an Insurer in accordance with 211 CMR 134.13(1), the Merit Rating Board shall post to the account of the Policyholder, a record which so indicates.
- (3) Reporting of Unpaid Premium. In response to a request from an Insurer for SDIP Information for a Policy subject to the Safe Driver Insurance Plan, the Merit Rating Board shall report to the Insurer any unpaid earned premium, as listed on the Merit Rating Board's records at time of inquiry, for any Listed Operator.
- (4) Policy Application. When an Insurer receives a response record from the Merit Rating Board indicating that one or more of the Policy's Listed Operators has unpaid earned premium due a previous Insurer within the previous year, the current Insurer may take such action, including the refusal to insure, as allowed by law. If the current Insurer does not take any action, the Merit Rating Board shall refuse to accept any unpaid earned premium record for the current Policy.
- (5) Offsetting Records. Each Insurer that has submitted an unpaid premium record to the Merit Rating Board, as provided in 211 CMR 134.13(1), and subsequently collects that unpaid earned premium, must, within 30 days of said collection, submit an offsetting record as prescribed in the Manuals of Administrative Procedures.
- (6) Reporting. Annually, the Merit Rating Board shall issue a report to the Commissioner summarizing the following:
 - (a) The total dollar value of all unpaid earned premium records reported to the Board in the preceding year that have not been offset as provided in 211 CMR 134.13(5).
 - (b) The total dollar value of all cases wherein unpaid earned premium due a previous Insurer was reported to the current Insurer and the current Insurer did not take any steps to promote the collection of this premium.

134.14: Reporting of Information

Insurers shall submit to the Commissioner, to the Merit Rating Board or to the Designated Statistical Agent, such records, statistics, or other compilations of data pertaining to the Safe Driver Insurance Plan as the Commissioner or the Merit Rating Board may require. The Commissioner shall prescribe the form of such submissions. The Designated Statistical Agent shall send to the Merit Rating Board copies of statistical records noted above and copies of any statistical records forwarded to the Automobile Insurers Bureau of Massachusetts, formerly the Massachusetts Automobile Rates and Accident Prevention Bureau, for all policies subject to the Safe Driver Insurance Plan as directed by the Commissioner.

134.15: Schedule of Surcharge Points

For Policy Year 1990 and subsequent policy years, Surcharge Points will be assigned for each incident as follows (unless otherwise amended by the Commissioner):

- (1) Major Accident. Four Surcharge Points shall be assigned to each Major Accident, as defined in 211 CMR 134.10(4)(a), that is within the Experience Period of the Policy.
- (2) Minor Accident. Three Surcharge Points shall be assigned to each Minor Accident, as defined in 211 CMR 134.10(4)(b), that is within the Experience Period of the Policy.

134.15: continued

(3) Major Traffic Law Violation. Five Surcharge Points shall be assigned to each Major Traffic Law Violation, as defined in 211 CMR 134.10(4)(c), that is within the Experience Period of the Policy.

(4) Minor Traffic Law Violation. Two Surcharge Points shall be assigned to each Minor Traffic Law Violation, as defined in 211 CMR 134.10(4)(d), that is within the Experience Period of the Policy. No Surcharge Points shall be assigned to a Minor Traffic Law Violation which is the first Traffic Law Violation, as determined by Surcharge Date, within the Policy Experience Period if the disposition of the violation was non-criminal under M.G.L. c. 90C.

(5) Comprehensive Claims. No Surcharge Points for Comprehensive Claims shall be assigned to Policies with effective dates prior to January 1, 1985. Surcharge Points for Comprehensive Claims may be assigned to policies affording Comprehensive Coverage which become effective in calendar year 1985; however, no points may be assigned unless four or more comprehensive claims totaling \$2,000, or more have occurred since January 1, 1984.

134.16: Merit Rating Board Liaison

(1) Designation. Each Insurer with one or more Policies subject to the Safe Driver Insurance Plan shall designate an employee as its Merit Rating Board Liaison, and shall notify the Commissioner and the Merit Rating Board in writing of its designation in the manner prescribed in the Manuals of Administrative Procedures. Within ten working days of the reassignment of a Merit Rating Board Liaison, an Insurer shall replace or redesignate its Merit Rating Board Liaison and notify the Merit Rating Board in writing of the replacement or redesignation.

(2) Information. Each Insurer shall be responsible for ensuring that its Merit Rating Board Liaison becomes and remains informed of the provisions of 211 CMR 134.00 and of the Manuals of Administrative Procedures.

134.17: Industry Advisory Committee

The Commissioner shall establish an Industry Advisory Committee on the Safe Driver Insurance Plan that shall consist of at least 12 Merit Rating Board Liaisons and other interested parties appointed by the Commissioner. The Committee shall provide advice to the Commissioner or to the Merit Rating Board concerning 211 CMR 134.00, and to the Merit Rating Board concerning the contents of the Manuals of Administrative Procedures.

134.18: Manuals of Administrative Procedures

The Merit Rating Board shall prepare and distribute, with the assistance of the Industry Advisory Committee specified in 211 CMR 134.17, a Manual of Administrative Procedures for SDIP Claims and a Manual of Administrative Procedures for Policy Inquiries which set forth the administrative rules to be followed by all Insurers in implementing the Safe Driver Insurance Plan in accordance with the provisions of 211 CMR 134.00. Copies of the proposed Manuals, or of any proposed amendment to the Manuals, shall be sent to each Massachusetts Merit Rating Liaison and to any other interested party.

134.19: Penalties

(1) Any Insurer or person violating 211 CMR 134.00 shall be subject to a fine of not more than \$500 for each violation in accordance with M.G.L. c. 175, § 194.

(2) Any Insurer or person who disseminates or uses SDIP Information for any purpose other than for motor vehicle insurance purposes or criminal law enforcement purposes shall be subject to a fine of not more than \$1,000 for each offense or by imprisonment for not more than one year, or both, in accordance with M.G.L. c. 6, §183.

134.20: Severability

If any section or portion of a section of 211 CMR 134.00 or its application to any person, entity or circumstance is held invalid by any court, the remainder of 211 CMR 134.00 or the application of such provision to other persons, entities or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

211 CMR 134.00: M.G.L. c. 175, § 113B.

APPENDIX A: TRAFFIC LAW VIOLATIONS

The following abbreviations are used in Appendix A:

M.G.L. c. __ , § __",	Chapter and Section of the Massachusetts General Laws
"__ CMR __",	Code of Massachusetts Regulations

MAJOR TRAFFIC VIOLATIONS

Driving to endanger or reckless driving	M.G.L. c. 90, § 24
Liquor and narcotics, operating under the influence of (including assignment to a driver alcohol education program or controlled substance treatment or rehabilitation program under M.G.L. c. 90, § 24D)	M.G.L. c. 90, § 24
Operating after revocation of license	M.G.L. c. 90, § 23
Vehicular homicide	M.G.L. c. 90, § 24G
Manslaughter (only if by Motor Vehicle)	M.G.L. c. 265, § 13

Out-of-state incidents to be counted as Major Violations:
Operating under the influence of liquor and/or narcotics,
(including assignment to a driver alcohol education program)
Vehicular homicide

ADDITIONAL MAJOR TRAFFIC VIOLATIONS FOR INCIDENTS
THAT OCCUR ON OR AFTER JANUARY 1, 1990

Leaving scene of accident after injuring a person	M.G.L. c. 90, § 24
Leaving scene of accident after injuring a property	M.G.L. c. 90, § 24
Leaving scene of personal injury and death	M.G.L. c. 90, § 24
Liquor and narcotics, operating under the influence of and reckless operation causing serious injury	M.G.L. c. 90, § 24L
Operating after suspension of drivers license	M.G.L. c. 90, § 23
Refusing to stop for officer	M.G.L. c. 90, § 25

MINOR TRAFFIC VIOLATIONS

Accident, hit and run	M.G.L. c. 90, § 24
Alleys and driveways, emerging from, must stop	720 CMR 9.06(20)
Allowing vehicle to stand unattended, motor running	M.G.L. c. 90, § 13
Anything on or in vehicle or on person interferes with operation	M.G.L. c. 90, § 13
Attempting a speed record	M.G.L. c. 90, § 13
Backing and U-turns prohibited	730 CMR 7.08(17)(b)
Backing up for missed ramp	720 CMR 9.08(3) 730 CMR 7.08(17)(b)
Blind pedestrians, must stop for	M.G.L. c. 90, § 14A
Blow horn when necessary	720 CMR 9.06(15)
Brakes, inadequate	730 CMR 7.05(5)(g)
Brakes, operating without	M.G.L. c. 90, § 7
Bridges, speed law	M.G.L. c. 85, § 20

Appendix A: continued

MINOR TRAFFIC VIOLATIONS (continued)

Careless operation - construction zone	730 CMR 7.08(12)(c)
Careless or negligent operation	730 CMR 7.08(5)(a)
Channelizing island, no driving on	720 CMR 9.06(22)
Coasting	730 CMR 7.08(16)
Crossing solid pavement markings	730 CMR 7.08(8)
Crosswalk, motor vehicle not to enter if car will block	M.G.L. c. 89, § 11
Crosswalk, operator yield to pedestrian	M.G.L. c. 89, § 11
Cutting in after passing	720 CMR 9.06(3)
Deploying unauthorized sign	730 CMR 7.08(1)(a)
Directional signals, devices required	M.G.L. c. 90, § 7
Directional signals, hand or mechanical required for lane change	M.G.L. c. 90, § 14B
Drag racing, speeding	M.G.L. c. 90, § 17B
Driving in "breakdown lane"	M.G.L. c. 89, § 4B
Driving within eight feet of street car stopped for passengers	M.G.L. c. 90, § 14
Emergency vehicles, right of way	M.G.L. c. 89, § 7
Entry into excluded area - construction zone	730 CMR 7.08(12)(b)
Entry into restricted area - general	730 CMR 7.08(11)(a)
Entry into restricted area - left lane restrictions	730 CMR 7.08(11)(b)
Exhibit another license	M.G.L. c. 90, § 23
Failure to ascertain if it is safe to change lanes	M.G.L. c. 89, § 4A
Failure to comply with orders	730 CMR 7.08(1)(b)
Failure to keep to the right when turning right	M.G.L. c. 90, § 14 350 CMR 4.01(4) 720 CMR 9.06(16) 730 CMR 7.08(17)(c)
Failure to keep to the far left when turning on a one/two way street	M.G.L. c. 90, § 14
Failure to fasten a trailer to a tow vehicle with proper safety chains	M.G.L. c. 90, § 7
Failure to give proper stopping or turning signals	M.G.L. c. 90, § 14 350 CMR 4.01(4) 730 CMR 7.08(17)(c)
Failure to keep in right lane	M.G.L. c. 89, § 4B 350 CMR 4.01(4) 720 CMR 9.06(16) 730 CMR 7.08(13)(a) and (b)
Failure to keep to right when view is obstructed up to 400 feet	M.G.L. c. 89, § 4 720 CMR 9.06(16)
Failure to obey sign	730 CMR 7.08(1)(a)
Failure to obey traffic control signal	730 CMR 7.08(2)
Failure to see that movement can be made in safety before starting, stopping, turning or backing up	720 CMR 9.06(9)
Failure to stop at sign or signal at intersection	M.G.L. c. 89, § 9
Failure to stop at toll booth	730 CMR 7.03(2)
Failure to use care in stopping or turning - hand signals	730 CMR 7.08(17)(c)
Failure to use child restraint	M.G.L. c. 90, § 7AA

Appendix A: continued

MINOR TRAFFIC VIOLATIONS (continued)

Fire apparatus, driving within 300 feet if going to a fire	M.G.L. c. 89, § 7A
Fire apparatus, failing to pull to right and stop	M.G.L. c. 89, § 7A
Fire Department, interfering with	M.G.L. c. 89, § 7A
Flashing red traffic signal, failure to stop	M.G.L. c. 89, § 9 730 CMR 7.08(2)
Following too closely	720 CMR 9.06(7) 730 CMR 7.08(15)
Hand signals, failure to give	M.G.L. c. 90, § 14B, 350 CMR 4.01(4)
Headlights, dimming from high beam	M.G.L. c. 90, § 31 540 CMR 22.00 730 CMR 7.08(22)(b)
Headlights, one half hour after sunset	M.G.L. c. 90, § 7
Headlights, improper use of	730 CMR 7.08(22)(a) and (b)
Headphones, wearing while operating	M.G.L. c. 90, § 13
Height, operating vehicle when elevated or lowered	M.G.L. c. 90, § 7P
Hit and run, person injured	M.G.L. c. 90, § 24
Hit and run, property damage	M.G.L. c. 90, § 24
Horn, improper use of	730 CMR 7.08(21)
Horn, operating without	M.G.L. c. 90, § 7
Horn, sound when necessary	720 CMR 9.06(15)
Ignition key, remove from unattended vehicle	M.G.L. c. 90, § 13
Improper entry to a way	730 CMR 7.08(7)
Improper passing	M.G.L. c. 89, § 1
Improper use of cutouts	730 CMR 7.08(20)
Inadequate equipment (brakes, directional signals, lights or safety devices)	730 CMR 7.08(27)
Inspection sticker, failure to display	M.G.L. c. 90, § 20 730 CMR 7.08(26)
Inspection sticker, operating without	M.G.L. c. 90, § 7A M.G.L. c. 90, § 20 730 CMR 7.08(26)
Interfering with sign	730 CMR 7.08(1)(a)
Intersecting way, slow down when approaching	M.G.L. c. 90, § 14
Junior operator's license, operating in violation of	M.G.L. c. 90, § 8
Keeping to the right when overtaking another vehicle	730 CMR 7.08(13)(a) and (b)
Lane, marked, no straddling	720 CMR 9.06(1)
Learner's permit, motorcycle, violation of	M.G.L. c. 90, § 8B
Learner's permit, operating in violation of	M.G.L. c. 90, § 8B
License, Class 1-2-3	M.G.L. c. 90, § 8A 540 CMR 2.06
License, operating when not properly licensed	M.G.L. c. 90, § 10
License, violation of restriction	M.G.L. c. 90, § 8
Lights, operating motor vehicle with improper lights	M.G.L. c. 90, §§ 7 & 16
Liquor, operation of motor vehicle containing alcoholic beverage, minor (under age 21)	M.G.L. c. 138, § 34C

Appendix A: continued

MINOR TRAFFIC VIOLATIONS (continued)

Making a turn from the wrong lane of traffic	M.G.L. c. 90, § 14
Making a right turn on a red light where prohibited	M.G.L. c. 89, § 8
Meeting other vehicles, exercise due care when	M.G.L. c. 89, § 1
Minimum separation	730 CMR 7.06(5)(f)4. 730 CMR 7.06(6)(e)4.
Mirrors and reflectors, operating without proper	M.G.L. c. 90, § 7
Motorcycle, operating without proper	
equipment, lights and headgear	M.G.L. c. 90, § 7
Motorcycle, no more than two abreast	M.G.L. c. 89, § 4A
Motorcycle, no passenger unless machine so designed	M.G.L. c. 90, § 13
Motorcycle, single file when passing	M.G.L. c. 89, § 4A
Negligent loading	730 CMR 7.08(5)(b)
Negligently operating	M.G.L. c. 90, § 24 730 CMR 7.08(5)(a)
No stopping	730 CMR 7.06(5)(f)5. 730 CMR 7.06(6)(e)5.
Not reasonably to right for vehicle approaching from	
the opposite direction	M.G.L. c. 89, § 1
Noise, offensive, unreasonable (squealing tires)	M.G.L. c. 90, § 16
Not slowing down and keeping right of center on	
approaching intersection or corner where view is	
obstructed	M.G.L. c. 90, § 14
Not yielding to oncoming vehicles when making	
a left turn	M.G.L. c. 90, § 14
Obstructing emergency vehicle	M.G.L. c. 89, § 7
One way street	M.G.L. c. 89, § 10 720 CMR 9.05(1) and (2) 730 CMR 7.05(1)
One way street, left turn from	M.G.L. c. 90, § 14
Operating after suspension or revocation of	
registration	M.G.L. c. 90, § 23
Operating, at crosswalk yield to pedestrian	720 CMR 9.06(27)
Operating, being overtaken, must not increase speed	720 CMR 9.06(5) 730 CMR 7.08(14)
Operating on a bet or wager	M.G.L. c. 90, § 24
Operating car not properly registered	M.G.L. c. 90, § 9
Operating, disobeying sign, signal or marker	350 CMR 4.01(1) and (7) 720 CMR 9.06(10), (11), (12), and (17) 720 CMR 9.07(4) 730 CMR 7.08(1)(a)
Operating, don't enter intersection or crosswalk	
unless crossing can be completed	720 CMR 9.06(6)(b)
Operating, don't obstruct movement of traffic	720 CMR 9.06(6)(a)
Operating, don't pass unless safe	720 CMR 9.06(3) and (4) 730 CMR 7.08(14)
Operating, funerals and processions	720 CMR 9.06(24) M.G.L. c. 272, § 42
Operating in violation of license restrictions	M.G.L. c. 90, § 8
Operating, men & equipment in highway	720 CMR 9.06(25)
Operating at speed greater than reasonable or proper	M.G.L. c. 90, § 17
Operating, marked lanes staying within	720 CMR 9.06(1)
Operating, motorcycle without permanent seat	M.G.L. c. 90, § 13

Appendix A: continued

MINOR TRAFFIC VIOLATIONS (continued)

Operating motor vehicle without liability policy	M.G.L. c. 90, § 34J
Operating, no driving on sidewalks	720 CMR 9.06(19)
	M.G.L. c. 89, § 1
Operating, obey traffic signs, signals, markings	M.G.L. c. 90, § 18
	350 CMR 4.01(1), (7)
	720 CMR 9.06(10), (11), (12), and (17)
	720 CMR 9.07(4)
	730 CMR 7.08(1)(a)
	730 CMR 7.08(2)
Operating on road surface closed to travel due to construction or repair	720 CMR 9.06(18)
Operating, obey yield signs	720 CMR 9.06(14)
Operating on ways divided into lanes	M.G.L. c. 89, § 4A
Operating through peekhole in snow on windshield	M.G.L. c. 90, § 13
Operating truck or bus, using passing lane where signs prohibit	720 CMR 9.08(5)
Operating, turning where signs prohibit	720 CMR 9.06(21)
Operating, U-turn contrary to sign	720 CMR 9.06(22)
Operating unregistered car	M.G.L. c. 90, § 9
Operating, use right lane	720 CMR 9.06(2)
Operating without proper mirrors and reflectors	M.G.L. c. 90, § 7
Operator not to obstruct passing vehicle	M.G.L. c. 89, § 2
	730 CMR 7.08(14)
Parking lights	M.G.L. c. 90, § 7
Passing a vehicle stopped for a pedestrian in a crosswalk	M.G.L. c. 89, § 1
	350 CMR 4.01(8)
Passing bicycles, slow down	M.G.L. c. 90, § 14
Passing, care in passing another vehicle	730 CMR 7.08(14)
Passing, commercial vehicles, excess 2½ tons (except busses) use right lane pass in adjacent lane	M.G.L. c. 89, § 4C
Passing, don't obstruct passer	M.G.L. c. 89, § 2
Passing horses, use care	M.G.L. c. 90, § 14
Passing on right, unless vehicle being passed is	
(a) making a left turn,	
(b) on one way street,	
(c) on a divided highway	M.G.L. c. 89, § 2
Passing school bus when flashers are on	M.G.L. c. 90, § 14
Passing vehicle forbidden if view is obstructed for less than 400 feet	M.G.L. c. 89, § 4
Pedestrian, failing to exercise due care to avoid colliding with	720 CMR 9.06(28)
	350 CMR 4.01(8)
Pedestrian, must slow down for	M.G.L. c. 90, § 14
	350 CMR 4.01(8)
Permitting operation by a person who has no legal right	M.G.L. c. 90, § 12
Procession, following vehicle ahead as closely as is practical and safe	720 CMR 9.06(24)

Appendix A: continued

MINOR TRAFFIC VIOLATIONS (continued)

Racing	M.G.L. c. 90, § 24
Railroad crossing, failure to slow down	M.G.L. c. 90, § 15
Railroad crossing, failure to stop while lights are flashing or gate lowered	M.G.L. c. 90, § 15
Rear lights, must have	M.G.L. c. 85, § 15
Rear lights, operating without	M.G.L. c. 90, § 7
Red flag or light, rear of load	M.G.L. c. 90, § 7
Red flashing signal, stop	M.G.L. c. 89, § 9 730 CMR 7.08(2)
Right of way, fire engines, patrol wagons, ambulances	M.G.L. c. 89, § 7
Right of way, failure to yield to an approaching vehicle	720 CMR 9.06(14)
Right of way, pedestrian in a crosswalk	M.G.L. c. 89, § 11
Safety glass, operating or permitting operation without	M.G.L. c. 90, § 9A
School bus, driver's responsibilities	M.G.L. c. 90, § 7B
School bus, railroad crossing, must stop and open door	M.G.L. c. 90, § 15
School bus, speed limited	M.G.L. c. 90, § 17
School zone, speed limit	M.G.L. c. 90, § 17
Siren law	M.G.L. c. 90, § 16
Slow down to pass pedestrian	M.G.L. c. 90, § 14
Slow moving vehicles, keep right on upgrade	M.G.L. c. 89, § 4
Slow moving vehicles, keep 200 feet apart	720 CMR 9.06(8)
Space between vehicles	730 CMR 7.08(15)
Speed at railroad crossings	M.G.L. c. 90, § 15
Speed, bridges	M.G.L. c. 85, § 20
Speed, certain vehicles to operate five m.p.h. below speed posted	M.G.L. c. 90, § 17
Speed, decrease for special hazards (pedestrians, traffic, weather)	M.G.L. c. 90, § 17
Speed, excess speed - construction zone	730 CMR 7.08(12)(a)
Speed, failure to regulate when men and equipment are on road	M.G.L. c. 90, § 17
Speed, faster than posted	M.G.L. c. 90, § 17 M.G.L. c. 90, § 18 350 CMR 4.01(2) 730 CMR 7.08(6)(c)
Speed, greater than reasonable and proper	M.G.L. c. 90, § 17 730 CMR 7.08(6)(a)
Speed limit 15 m.p.h. near vehicle peddling merchandise, when flashing lights	M.G.L. c. 90, § 17
Speed limits, thickly settled district, school zone	M.G.L. c. 90, § 17
Speed, maximum speed	730 CMR 7.08(6)(c)
Speed, minimum speed	730 CMR 7.08(6)(c)
Speed, operating at dangerous speed	730 CMR 7.08(6)(b)
Speed, reasonable and proper	730 CMR 7.08(6)(a)
Speed, special regulations	M.G.L. c. 90, § 18
Speed, school bus	M.G.L. c. 90, § 17
Stolen car, operating	M.G.L. c. 90, § 24
Stop before passing school bus	M.G.L. c. 90, § 14
Stop sign, failure to completely stop	720 CMR 9.06(13)
Stop signs	M.G.L. c. 89, § 9
Stopping, standing, or parking	730 CMR 7.08(17)(a)
Street car, care in passing	M.G.L. c. 90, § 14
Street car, eight foot stopping law	M.G.L. c. 90, § 14

Appendix A: continued

MINOR TRAFFIC VIOLATIONS (continued)

Tailgating	720 CMR 9.06(7)
Television in operator's view	M.G.L. c. 90, § 13
Throughways, right of way	M.G.L. c. 89, § 9
Tires too wide M.G.L. c. 90, § 19	
Traffic, refusing to comply with lawful order of police officer when directing	720 CMR 9.07(3) 350 CMR 4.01(6) 730 CMR 7.08(1)(b)
Traffic control lights, failure to obey	720 CMR 9.06(10) 730 CMR 7.08(2)
Traffic signals, flashing red is same as stop sign	M.G.L. c. 89, § 9
Tread depth, tires	M.G.L. c. 90, § 7Q 540 CMR 4.04
Turning where signs prohibit	720 CMR 9.06(23)
Turning improperly	M.G.L. c. 90, § 14
Unauthorized entry or exit from a way	730 CMR 7.05(3)
Unauthorized or dangerous crossing of median or other area	730 CMR 7.08(10)(a)
Unauthorized use of breakdown lane	730 CMR 7.08(9)
Unauthorized use of cross-over	730 CMR 7.08(10)(b)
Unlawful speed on County Bridge	M.G.L. c. 85, § 20
Unattended vehicle, stop engine, set brakes, remove key from switch and from vehicle	M.G.L. c. 90, § 13
U-turn where signs prohibit	720 CMR 9.06(26)
Vehicles excluded area, operating or permitting one's vehicle to be operated where posted	M.G.L. c. 90, § 16 350 CMR 4.01(10)
Violation of Department of Highways regulation or by-laws relative to signs, lights, signal systems, traffic devices markings	M.G.L. c. 85, § 2
Violation of left lane exclusion of heavy vehicles	M.G.L. c. 89, § 4C
Violation of right of way at intersecting ways	M.G.L. c. 89, § 8
Violation of gubernatorial by-laws on ways of the Commonwealth	M.G.L. c. 85, § 23
Wrong direction in Sumner, Callahan, or Ted Williams Tunnel	730 CMR 7.05(2)
Wrong way travel	730 CMR 7.05(1)
"Yield sign," failure to surrender to oncoming traffic, stop if necessary	720 CMR 9.06(14)
All Out-of-state Minor Traffic Violations which can be classified in any one of the above categories shall be counted as Minor Traffic Violations for the purposes of 211 CMR 134.00.	